IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 105 OF 2005

Smt. Mangala Rajaram Gharpure ... Appellant

Vs.

Mr. Jayant Keshav Patil ... Respondent

Mr. J. G. Reddy for the appellant.

Mr. A.M. Vernekar with Mr. R.B. Patil for the respondent.

ALONG WITH

FAMILY COURT APPEAL NO.107 OF 2004

Mr. Jayant Keshav Patil ... Appellant

Vs.

Smt. Mangala Rajaram Gharpure ... Respondent

Mr. A.M. Vernekar with Mr. R.B. Patil for the appellant.

Mr. J. G. Reddy for the respondent.

CORAM : SMT. RANJANA DESAI &
D.B. BHOSALE, JJ.

DATED : 13TH FEBRUARY, 2006.

P.C.:-

1. In both these appeals, the order dated 19/7/2004 passed by the Family Court at Pune, on Petition D.No.71/2002 is impugned. The petition was filed by Smt. Mangala Gharpure for custody of her children. The operative part of the impugned order reads thus:

> "1. Petition stands dismissed.
>
> 2. The petitioner Mangla Gharpure is given liberty and privilege of visiting and meeting her children on every alternate Sundays one at Kolhapur and one at Pune between 11.00 a.m. To 3.00 p.m. At a place mutually settled and agreed between her and the respondent.
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> 3. Under the circumstances of the case, parties are left to bear their own costs".

2. We have heard the learned counsel for the parties. We find that the impugned order takes into consideration all relevant aspects. It is a balanced order and calls for no interference.

3. Mr. Vernekar, the learned counsel for the appellant-husband in Family Court Appeal No.107 of 2004 contended that after the impugned order was passed, the respondent-wife has not availed the access order even once. He stated that the eldest son Mr. Shreyash is about 18 years of age and, is at present studying in Karnataka Lingayat Education Society, Bangalore. In view of this, obviously, he will not be covered by the impugned order passed

by the family court. So far as the minor son Master Gaurav is concerned, he is in the seventh standard and the order directing the appellant-husband to take him to Pune on every alternate Sunday is causing inconvenience inasmuch as his studies are hampered. He, therefore, says that to that extent, the order may be modified and the access may be given in Kolhapur. We find substance in the submission made by the learned counsel. In the circumstances of the case, we direct that the respondent-wife shall meet the child - Master Gaurav at Kolhapur twice in a month between 11.00 a.m. to 3.00 p.m. on any holidays by prior intimation to the appellant-husband. No other orders are necessary in these appeals. The appeals are disposed of with the above modification of the impugned order.

4. In view of the disposal of the appeals, Civil Application No.171 of 2004 does not survive and is disposed of as such.

[SMT. RANJANA DESAI, J.]

[D.B. BHOSALE, J.]